

NATURAL RESOURCE COMMISSION[571]

Notice of Intended Action

Proposing rule making related to wild turkey hunting and providing an opportunity for public comment

The Natural Resource Commission hereby proposes to amend Chapter 98, “Wild Turkey Spring Hunting,” and Chapter 99, “Wild Turkey Fall Hunting,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 455A.5(6), 481A.38, 481A.39 and 481A.48.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 481A.38, 481A.39 and 481A.48(1).

Purpose and Summary

Chapter 98 regulates spring wild turkey hunting for both residents and nonresidents, and includes season dates, bag limits, possession limits, shooting hours, areas open to hunting, licensing procedures, means and methods of take, and transportation tag requirements.

Several changes to Chapter 98 are proposed. First, because the shotgun shot sizes approved for hunting wild turkey are out of date with shot types currently available on the market, the ammunition lists for both residents and nonresidents are being updated.

Second, the start of the first shotgun-and-archery season for spring wild turkey hunting is pushed back by several days and permanently established in narrative form (“second Monday of April”).

Third, the youth-only season is being reduced from nine days to three days because, pursuant to Iowa Code section 483A.7(4), youth are now allowed to hunt with an unfilled youth license and tag during any other established wild turkey season. In other words, this reduction does not limit youth opportunity and enables an earlier start to the first shotgun-and-archery season. Furthermore, the youth-only season had long been three days but was expanded in 2011 to afford youth more opportunity. Subsequently, in 2014 the Iowa Code was amended to allow unfilled youth licenses and tags to be valid in any other season, rendering the need for a longer youth-only season unnecessary, as previously noted. Thus, this proposed amendment is a return to the original youth-only, three-day season.

Finally, references to the Iowa Code and to Chapter 98 are updated to reflect current law.

Chapter 99 regulates fall wild turkey hunting for residents, and includes season dates, bag limits, possession limits, shooting hours, areas open to hunting, licensing procedures, means and methods of take, and transportation tag requirements. (It should be noted that there is no fall wild turkey season for nonresidents in Iowa, except for nonresidents who are under 21 years old and have a severe physical disability or have been diagnosed with a terminal illness, as set forth in Iowa Code section 483A.24(12) and subrule 99.2(4)).

A proposed amendment to Chapter 99 is intended to adjust the approved shotgun shot sizes for hunting wild turkeys to reflect the materials and sizes available on the current market. This amendment is identical to that proposed in Chapter 98. In addition, an Iowa Code reference is updated to reflect current law.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa. A copy of the impact statement is available upon request from the Department.

Jobs Impact

After analysis and review of this rule making, the Department does not expect any impact to private sector jobs as a result of this proposed rule making, nor does the Department expect any impact to wild turkey hunting participation or license sales. The following types of jobs are positively impacted by turkey hunting in Iowa generally and should see no noticeable change due to this rule making: hunting equipment retailers (firearms, ammunition, clothing, chairs, stands, binoculars, and other supporting equipment); field guides and outfitters; taxidermists; and restaurants, hotels, and gas stations for hunters traveling around the state. A copy of the impact statement is available upon request from the Department.

Waivers

This rule is subject to the waiver provisions of 561—Chapter 10. Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any.

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on May 1, 2018. Comments should be directed to:

James Coffey
Department of Natural Resources
Chariton Research Station
24570 U.S. Hwy. 34
Chariton, Iowa 50049
Phone: 641.774.2958
Email: James.Coffey@dnr.iowa.gov

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held. Upon arrival, attendees should proceed to the fourth floor Department reception desk to sign in and be directed to the appropriate hearing location:

May 1, 2018
12 noon

Conference Room 4E
Wallace State Office Building
Des Moines, Iowa

Persons who wish to make oral comments at the public hearing will be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend a public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Department and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend subrule 98.2(1) as follows:

98.2(1) Permitted weapons. Wild turkey may be taken in accordance with the type of license issued as follows:

a. *Combination shotgun-or-archery license.* Wild turkey may be taken by shotgun or muzzleloading shotgun not smaller than 20-gauge and shooting only shot sizes ~~number 2 or 3 nontoxic shot or number 4, 5, 6, 7½, or through 8 lead or nontoxic shot~~; and by bow and arrow as defined in paragraph 98.2(1) "b." A person shall not have ~~shot shells~~ shotshells containing shot of any size other than ~~number 2 or 3 nontoxic shot or number 4, 5, 6, 7½, or through 8 lead or nontoxic shot~~ on the person while hunting wild turkey.

b. *Archery-only license.* Except for crossbows for persons with certain afflictions of the upper body, as provided in ~~571—15.5(481A)~~ 571—15.22(481A), only longbow, compound, or recurve bows shooting broadhead arrows are permitted. Blunthead arrows with a minimum diameter of 9/16 inch may also be used. Arrows must be at least 18 inches long. No explosive or chemical devices may be attached to the arrow, broadhead, or blunthead.

ITEM 2. Amend paragraph **98.2(4)"a"** as follows:

a. *Combination shotgun-or-archery licenses.* Consecutive seasons are 4, 5, 7, and 19 days, respectively, with the first season beginning on the second Monday closest to ~~of~~ April 15. These seasons shall be designated as seasons 1, 2, 3 and 4, respectively.

ITEM 3. Amend subrule 98.6(2) as follows:

98.6(2) Youth season dates. The youth turkey hunting license shall be valid during the ~~nine~~ three days immediately before the first turkey season. A person who is issued a youth spring wild turkey hunting license and does not take a wild turkey during the youth spring wild turkey hunting season may use the wild turkey hunting license and unused tag during any remaining spring wild turkey hunting season in the year in which the youth license was issued.

ITEM 4. Amend subrule 98.9(5) as follows:

98.9(5) Special licenses. The commission shall issue licenses in conformance with Iowa Code section ~~483A.24(10)~~ 483A.24(12) to nonresidents 21 years of age or younger who have a severe physical disability or who have been diagnosed with a terminal illness. A person applying for this license must provide a completed form obtained from the department of natural resources. The application shall be certified by the applicant's attending physician with an original signature and declare that the applicant has a severe physical disability or a terminal illness using the criteria listed in 571—Chapter 15. A medical statement from the applicant's attending physician that specifies criteria met shall be on 8½" × 11" letterhead stationery. The attending physician shall be a currently practicing doctor of medicine, doctor of osteopathy, physician assistant or nurse practitioner.

ITEM 5. Amend subrule 98.12(1) as follows:

98.12(1) Permitted weapons. Wild turkey may be taken only with shotguns and muzzleloading shotguns not smaller than 20-gauge and shooting only shot sizes ~~2 or 3 nontoxic shot or number 4, 5, 6, 7½, and through 8 lead or nontoxic shot~~. No person may have ~~shot shells~~ shotshells containing shot of any size other than ~~2 or 3 nontoxic shot or number 4, 5, 6, 7½, or through 8 lead or nontoxic shot~~ on the person while hunting wild turkey. Except for crossbows for persons with certain afflictions of the upper body, as provided in ~~571—15.5(481A)~~ 571—15.22(481A), only longbow, compound, or recurve

bows shooting broadhead arrows are permitted. Blunthead arrows with a minimum diameter of 9/16 inch may also be used. Arrows must be at least 18 inches long. No explosive or chemical devices may be attached to the arrow, broadhead, or blunthead.

ITEM 6. Amend subrule 99.2(4) as follows:

99.2(4) *Special licenses.* The commission shall issue licenses in conformance with Iowa Code section ~~483A.24(10)~~ 483A.24(12) to nonresidents 21 years of age or younger who have a severe physical disability or who have been diagnosed with a terminal illness. A person applying for this license must provide a completed form obtained from the department of natural resources. The application shall be certified by the applicant's attending physician with an original signature and declare that the applicant has a severe physical disability or a terminal illness using the criteria listed in 571—Chapter 15. A medical statement from the applicant's attending physician that specifies criteria met shall be on 8½" × 11" letterhead stationery. The attending physician shall be a currently practicing doctor of medicine, doctor of osteopathy, physician assistant or nurse practitioner.

ITEM 7. Amend subrule 99.8(1) as follows:

99.8(1) *Permitted weapons.* In accordance with the type of license issued, wild turkey may be taken by shotgun and muzzleloading shotgun not smaller than 20-gauge and shooting only shot sizes ~~2 or 3 nontoxic shot or number 4, 5, 6, 7½, or through 8~~ lead or nontoxic shot; and by longbow, recurve, or compound bow shooting broadhead or blunthead (minimum diameter 9/16 inch) arrows only. No person may carry or have in possession shotshells containing shot of any size other than ~~2 or 3 nontoxic shot or number 4, 5, 6, 7½, or through 8~~ lead or nontoxic shot while hunting wild turkey. Arrows with chemical or explosive pods are not permitted.